

No. 5636

IN THE

**United States Circuit
Court of Appeals**

For the Ninth Circuit

CARRIE GAUNT, as Executrix of the Estate of
RUBY M. GAUNT, Deceased,
Appellant,

vs.

VANCE LUMBER COMPANY, a corporation,
Appellee.

Appellee's Additional Memorandum of Cases

*Appeal from the United States District Court for the
Western District of Washington, Northern Division.*

HON. JEREMIAH NETERER, *Judge*

W. H. ABEL, and
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PAUL P. COTTON

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Appellee submits the following additional authorities:

Pulcell v. Coleman, 4 Wall. 519, where it was held that the statute of frauds was equally binding on courts of equity as courts of law.

May v. Rice, 101 U. S. 239, which held the statute of frauds to be a complete bar to a bill in equity.

Randall v. Howard, 2 Black 590, a suit in equity in which the Supreme Court of the United States applied the statute of frauds of Maryland. The contract there, as in the instant case, was incomplete.

Dunphy v. Ryan, 116 U. S. 491, where it was held that the mere refusal of a party to perform a parol contract, required by the statute of frauds to be in writing, was not such a fraud as will give a court of equity jurisdiction to enforce it.

Buhl v. Stevens, 84 Fed. 922, at 926, holding that the statute of frauds is as binding upon a court of equity as upon a court of law.

Respectfully submitted,

W. H. ABEL,

Of Attorneys for Appellee.